

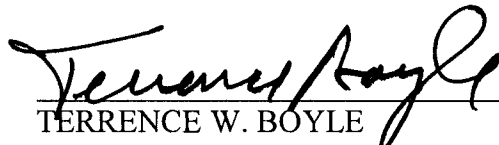


CONCLUSION

For the foregoing reasons the defendant's motion for summary judgment [DE 41] is DISMISSED WITHOUT PREJUDICE and the plaintiff's motion for summary judgment [DE 39] is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

This the 22 day of August, 2013.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE